

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:21-CR-00062-M

UNITED STATES OF AMERICA,
Plaintiff,

v.


KEVIN DARNELL SMITH,
Defendant.

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ORDER

This matter is before the court on the Government's Appeal of Magistrate Judge's Order [DE-19] pursuant to Title 18 United States Code Section 3145(a). Having reviewed the record, read the briefing related to the present motion, and listened to the audio recording of the original detention hearing before Magistrate Judge Swank, the court concludes that further hearing is not necessary to conduct its de novo review. *See, e.g., United States v. Myles*, No. 5:15-CR-00172-F-8, 2016 WL 3003206, at *3 (E.D.N.C. May 23, 2016). The court adopts the reasoning previously articulated by Magistrate Judge Swank at the conclusion of the Defendant's original detention hearing and therefore DENIES the instant appeal. The Defendant SHALL be released pursuant to the terms and conditions of the Order Setting Conditions of Release [DE-17] entered on February 25, 2021, as soon as practicable. Furthermore, the Bond Review Hearing before Judge Swank SHALL proceed, as previously scheduled, on March 22, 2021, 10 am.

SO ORDERED this the 8th day of March, 2021.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE